

North Dakota

Adoption Assistance- Who Do You Contact?

State Contact information

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Adoption Assistance- Who is Eligible?

A good place to start. Public adoption in North Dakota is administered by the Department of Human Services (DHS), Children and Family Services Division (CFSD). DHS, CFS, and adoption link(s): www.state.nd.us/humanservices/, www.state.nd.us/humanservices/services/childfamily/, and www.state.nd.us/humanservices/services/childfamily/adoption/.

Note: Adoption assistance is administered jointly through local county social service offices and the North Dakota state DHS office.

1. What specific factors or conditions does your state consider to determine that a child cannot be placed with adoptive parents without providing financial assistance? (*"What is your state definition of special needs?"*)

A child with special needs is defined as a child that has at least one of the following needs or circumstances that may be a barrier to placement or adoption without financial assistance:

- Seven years of age or older and under eighteen years of age
- Member of a minority race
- Member of a sibling group of two or more children placed in the same adoptive home
- Physical, mental or emotional disability or at high risk for such as diagnosed by a licensed physician

Note: Children must be legally free for adoption, unless the child is being placed for adoption pursuant to a Tribal statute allowing for a "customary" adoption, and be in the custody of a public, private or tribal agency prior to adoption to be eligible for adoption assistance.

2. What are the eligibility criteria for your state-funded adoption assistance program?

In order to be eligible for state-funded adoption assistance a child must be a special needs child as defined above, legally free for adoption, and in the custody of a public, private or tribal agency prior to adoption.

3. What is the maximum amount a family may receive in non-recurring adoption expenses from your state? Adoptive parents can receive reimbursement of certain approved, "one-time" adoption expenses incurred in the process of finalizing a special needs adoption.

\$2,000.00 per child

4. Does your state enter into deferred adoption assistance agreements? In some states, adoptive parents can enter into an agreement in which they choose to defer the receipt of a Medicaid card, the monthly monetary payment, or both and can elect to receive the Medicaid card and/or monetary payment at another time.

North Dakota offers deferred adoption assistance.

5. When may adoption assistance payments and benefits begin in your state?

Adoption assistance payments and benefits may begin in North Dakota at adoption placement.

6. How are changes made to the adoption assistance agreement in your state?

- a. When can a parent request a change in the adoption assistance agreement?
- b. How does a parent request a change in the adoption assistance agreement?
- c. What if a parent does not receive the change they request in the adoption assistance agreement?

Adoptive families can request a change in the adoption assistance agreement any time there is a documented change in the needs of the child or the circumstances of the family. Parents can make a request for modification of the agreement at an annual review or whenever there is a change that requires a change in payment level. The request for modification must be made in writing to the county social service office administering the adoption assistance grant and must detail the specific reasons for the requested change in adoption assistance amount, including rationale for the specific amount requested. Negotiation regarding requested changes may be initiated by the county social service office administering the adoption assistance grant. Additional documentation may be requested during the negotiation process. County social services offices/locations, link: www.state.nd.us/humanservices/locations/countysocialserv/.

Adoption Assistance- Post Adoption Services

7. What types of post adoption services are available in your state and how do I find out more about them?

Post adoption services in North Dakota are administered by the DHS Children and Family Services Division and contracted through private agencies. Post adoption services include the following examples:

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| 1. Information and referral | 4. Family preservation (respite, parent aid, in-home family services) |
| 2. Support groups | 5. Educational programs (PRIDE) |
| 3. Case management | 6. Search services |

Services are not necessarily adoption specific. North Dakota does not have ~~any~~ services specifically designated as post adoption services for which only adoptive parents are eligible. Families apply for post adoption services at their local county social service or regional human service center offices. Families may also contact the Adults Adoption Special Kids Program (AASK) adoption specialist that assisted them in their adoption for referral to appropriate post adoption services. Statewide AASK, phone: 877.551.6054. Many private organizations offer a variety of respite options. See North Dakota's Respite Programs link: www.respitelocator.org/n7states.htm.

See also North Dakota's Regional Human Services Centers link:

www.state.nd.us/humanservices/locations/regionalhsc/ and Foster PRIDE/Adopt PRIDE training program link: www.state.nd.us/humanservices/services/childfamily/fostercare/training-pre-service.html.

Note: Not all services may be available in all cases. Contact your adoption assistance worker or post adoption services contact for information regarding process, eligibility, availability, and duration of services.

Adoption Assistance- Medical assistance

8. What mental health services are provided by your state?

Public mental health services for children in North Dakota are administered by the Department of Human Services through collaboration between the Division of Mental Health and Substance Abuse Services and the Children and Family Services Division. The Children's Mental Health System of Care and is also known as the *Partnerships Program for Children's Mental Health*. Services include the following examples: psychiatric and psychological evaluations, inpatient hospitalization (psychiatric unit), individual-group-family psychotherapy, partial hospitalization services, and inpatient psychiatric and residential treatment centers services for individuals under 21 for the care and treatment of mental illness or disorders.

ND's Medicaid link: www.state.nd.us/humanservices/services/medicalserv/medicaid/covered.html, children's mental health link: www.state.nd.us/humanservices/services/mentalhealth/children.html and regional contact link: www.state.nd.us/humanservices/services/mentalhealth/partners.html.

Note: Not all services may be available in all cases. Contact your adoption assistance worker or medical assistance specialist for information regarding process, eligibility, availability, and duration of services.

9. Does your state provide additional finances or services for medical or therapeutic needs not covered under your state medical plan to children receiving adoption assistance?

North Dakota does not provide additional finances or services for medical or therapeutic needs not covered under their state medical plan to children receiving adoption assistance. If a child needs services that are not funded by any other resource, adoptive parents may request the cost of these services be added to the monthly adoption assistance payments. Examples of such services include specialized childcare and respite.

Note: Not all services may be available in all cases. Contact your adoption assistance worker for information regarding process, eligibility, availability, and duration of services.

Adoption Assistance- Fair Hearings

10. What is your state's process for applying for a fair hearing? A fair hearing is a legal, administrative procedure that provides a forum to address disagreements with agency decisions.

Adoptive families have the right to request a fair hearing any time they wish to appeal county or state decisions affecting the receipt of benefits under the adoption assistance agreement. Parents must make a written request to the county social service office administering the adoption assistance or the North Dakota Department of Human Services to initiate the process. North Dakota's county social services locator link: www.state.nd.us/humanservices/locations/countysocialserv/index.html.

The NDDHS or county social service agency must receive the hearing request within thirty days of the mailing date of the notice of contested DHS action. If someone else makes a written request for the adoptive parent, it must include a written statement, signed by the parent, informing DHS that person is the family's representative. After a timely request for a hearing is received, and if the issue is an appealable one, the office of administrative hearings will send a notice giving the date, time, and place of the hearing. This notice will be sent to the family at least ten days before the hearing. The notice also will inform parents what to do if they cannot come to the hearing as scheduled. The family may bring witnesses, friends, relatives, or a lawyer to assist in presenting the case.

The hearing officer will listen to both sides but will not make a decision at the hearing. Instead, the hearing officer will issue a recommended decision to the NDDHS after the hearing. Then, the NDDHS will either accept or reject the hearing officer's recommended decision. Families will receive the NDDHAS written

decision in the mail a few weeks later. Parents should receive a decision within ninety days of the hearing request. The hearing officer will record the hearing so that the facts are taken down correctly. After the NDDHS decision is issued, parents can obtain a copy, for a fee, of the tape by contacting the NDDHS. If parents disagree with the decision, they may appeal to the district court.

Adoption Assistance- Web/Internet Information

11. What is your state Web address for general adoption information?

North Dakota's general adoption link: www.state.nd.us/humanservices/services/childfamily/adoption/

12. What is your state Web address for adoption assistance information?

North Dakota's adoption assistance link:

www.state.nd.us/humanservices/services/childfamily/adoption/types.html. See the paragraph entitled, *Children with Special Needs* under the page heading: Types of Adoption.

13. What is your state Web address for state-specific medical assistance information for children?

North Dakota's state-specific medical assistance link:

www.state.nd.us/humanservices/services/medicalserv/medicaid/